

Secretary Muskie

Jerusalem and the Peace Negotiations

August 20, 1980



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Following are the texts of Secretary Muskie's statement before the U.N. Security Council in New York and Security Council Resolution 478 of August 20, 1980.

SECRETARY MUSKIE

I come here today out of my deep respect for the United Nations and all it has represented for 35 years. It is a force for peace and reason in the world. It is a forum where nations may air their differences and seek out the common ground. We should all be grateful that this institution has worked so well, on so many issues, in its relatively short span of time.

Therefore I also come here today with a feeling of sorrow. For I believe that in its work on the Middle East over the past 5 months the United Nations has been the focus of attempts not to advance the cause of peace but to restrain it, contrary to the ideals and purposes of this institution.

The succession of resolutions before this Council and the emergency special session of the General Assembly has neither aided the Camp David process nor offered a single alternative with the slightest chance of success. Eight times in these 5 months resolutions on the Middle East have come before us. For our part, the United States has joined the debate and the voting. We have done that because we respect this institution, and we honor those who have labored hard for a positive approach.

But eight times, those resolutions have failed the critical tests of reason, of balance, of accounting for the concerns of

both sides, of genuinely serving the objective of peace. The resolution before us today is illustrative of a preoccupation which has produced this series of unbalanced and unrealistic resolutions on Middle East issues. It fails to serve the goal of all faiths that look to Jerusalem as holy.

We must share a common vision of this ancient city's future—an undivided Jerusalem, with free access to the holy places for people of all faiths. But how can that vision be realized? Certainly it cannot be realized by unilateral actions nor by narrow resolutions in this forum. Rather the question of Jerusalem must be addressed in the context of negotiations for a comprehensive, just, and lasting Middle East peace.

That is the position of my government. But it is more. The status of Jerusalem cannot simply be declared; it must be agreed to by the parties. That is a practical reality. It will remain so despite this resolution or 100 more like it. We have encouraged all parties to refrain from unilateral actions which seek to change the character or status of Jerusalem. In line with this position we will not vote against the resolution as presently written.

So there can be no mistake, let me note that we will continue firmly and forcefully to resist any attempt to impose sanctions against Israel under Chapter VII [of the U.N. Charter]. That step is contained in a draft resolution to be presented here but not to be voted upon. We are unalterably opposed to it. We will vote against any such resolution.

But if we do not vote against the version before us today, neither can we

find cause to support it. For the resolution is still fundamentally flawed. It fails even to reaffirm Resolution 242 as the basis for a comprehensive peace. Israel, for example, is to be censured—yet there is no censure, indeed no mention at all, of violence against Israel or of efforts that undermine Israel's legitimate security needs. Further, the resolution before us calls upon those states that have established diplomatic missions in Jerusalem to withdraw them from the holy city. In our judgment this provision is not binding. It is without force. And we reject it as a disruptive attempt to dictate to other nations. It does nothing to promote a resolution of the difficult problems facing Israel and her neighbors. It does nothing to advance the cause of peace. On these specific grounds, we abstain on the resolution.

And on broader grounds, we ask that the United Nations return to first principles in addressing the Middle East. Let us resist useless pronouncements and resume the practical search for results—on Jerusalem and on all other issues.

There are few problems in the world today as much in need of resolution—and of patient, constructive effort to achieve it. Four cruel wars in 30 years—and the peril and suffering that remain—underscore the urgency of this task. And it is underscored again by recent fighting in Lebanon, renewing that violent cycle. For all those 30 years there was no peace. Plans were tried and abandoned. Partial solutions came apart. Modest, stabilizing steps were the very most to be achieved; and they were all too fragile.

Then in November 1977, President Sadat of Egypt took the courageous step

SECURITY COUNCIL RESOLUTION 478

Security Council Resolution 478 was adopted on August 20, 1980, by a vote of 14 to 0 with 1 abstention (United States).

The Security Council.

Recalling its resolution 476 (1980) of 30 June 1980,

Reaffirming again that the acquisition of territory by force is inadmissible,

Deeply concerned over the enactment of a "basic law" in the Israeli Knesset proclaiming a change in the character and status of the Holy City of Jerusalem, with its implications for peace and security,

Noting that Israel has not complied with Security Council resolution 476 (1980),

Reaffirming its determination to examine practical ways and means, in accordance with the relevant provisions of the Charter of the United Nations, to secure the full implementation of its resolution 476 (1980), in the event of non-compliance by Israel,

1. *Censures* in the strongest terms the enactment by Israel of the "basic law" on Jerusalem, and the refusal to comply with relevant Security Council resolutions;

2. *Affirms* that the enactment of the "basic law" by Israel constitutes a violation of

international law and does not affect the continued application of the Fourth Geneva Convention of 12 August 1949 Relative to the Protection of Civilian Persons in Time of War in the Palestinian and other Arab territories occupied since June 1967, including Jerusalem;

3. *Determines* that all legislative and administrative measures and actions taken by Israel, the occupying Power, which have altered or purport to alter the character and status of the Holy City of Jerusalem, and, in particular, the recent "basic law" on Jerusalem, are null and void and must be rescinded forthwith;

4. *Affirms also* that this action constitutes a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East;

5. *Decides* not to recognize the "basic law" and such other actions by Israel that, as a result of this law, seek to alter the character and status of Jerusalem and calls upon all Members of the United Nations:

(a) to accept this decision;

(b) and upon those States that have established diplomatic Missions in Jerusalem to withdraw such Missions from the Holy City;

6. *Requests* the Secretary-General to report to the Security Council on the implementation of this resolution before 15 November 1980;

7. *Decides* to remain seized of this serious situation.

of going to Jerusalem in an inspired act of statesmanship to break the deadlock. With equal statesmanship the Israeli Government responded. At Camp David the next September, for 13 days, President Sadat, Prime Minister Begin, and President Carter joined to create a framework for peace in the Middle East. Thus was born the first real chance to bring the goals of Resolution 242 into being. Then, following President Carter's trip to the Middle East in February 1979, peace between Israel and Egypt—the first real peace—was achieved.

Even so, it was only a beginning. Camp David was designed not just for a limited settlement between Israel and one of its neighbors but as a framework for a truly comprehensive and final peace among all parties to the conflict. A year ago last May, the second stage of the Camp David process began—negotiations between Egypt and Israel, with the United States as full partner, to provide full autonomy for the inhabitants of the West Bank and Gaza. This is to be a transitional arrangement of 5 years. Not later than the third year after the start of that period, negotiations to settle the final status of the territories would begin.

This may be an imperfect process. But let me remind you of this. It is also the first time the twin issues of Palestinian rights and Israeli security—issues at the core of the Arab-Israeli conflict—have been at the top of the agenda together. It is the first time there has been real hope—not a mirage or a wish—that a comprehensive settlement could be attained.

My government has stated many times in the past, and I will restate it again today: We are absolutely and firmly committed to the success of the process begun at Camp David and its ultimate goal of a just and lasting peace throughout the region. There is no issue on which President Carter has spent more time and effort than this great cause. And that will continue to be the case until the job is done.

This is difficult and painstaking work. It is precisely the kind of effort that inspired the creation of the United Nations. It is precisely the work to which the United Nations should now rededicate itself. We desire to work closely with the Islamic states in order that their legitimate goals set out in Resolution 242 may be attained in peace and honor.

It is vital that a political climate be preserved within which the hard work of peace can succeed. That is why we have urged all the parties not to take unilateral steps that could prejudice the outcome of the negotiations. That is why we have counseled patience and sought wider support for our efforts. And it is why events here in the last several months have been so profoundly disturbing. We do not expect everyone to support the Camp David process. We do, however, seek an end to efforts that work in the contrary direction—not just to undermine the Camp David process but to disrupt the search for peace itself.

Let me therefore repeat our belief that this constant recourse to debates and resolutions that are not germane to the peace process—and even harmful to it—should stop. Elsewhere in Southwest Asia and in Southeast Asia warfare is a present reality. The aggressor nations make no effort to find peace. Yet this Council is continuously drawn to the Middle East, where authentic work for peace is under way.

The United States will not be deterred from this historic enterprise. Indeed, I would like to reiterate our firm determination to finish what has so well begun. At Camp David, as a result of statesmanship and courage, the two parties with the help of the United States designed a framework for comprehensive peace. They agreed to start with a treaty of peace between Egypt and Israel. This was a goal which many thought to be utterly unattainable but which was achieved through negotiation and on the basis of Resolution 242.

As a further step toward a comprehensive peace, the parties agreed to launch serious negotiations aimed at providing autonomy for the Palestinian inhabitants of the West Bank and Gaza for a transitional period. The final objective is clear: resolution of the Palestinian problem in all its aspects and, ultimately, peace treaties between Israel and all of its other neighbors—Jordan, Syria, and Lebanon.

We intend to persevere in this effort regardless of all distractions, diversions, and difficulties. ■

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